

EXHIBIT 3

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Bitmain, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO**

GOR GEVORKYAN, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

BITMAIN, INC., BITMAIN
TECHNOLOGIES, LTD. and DOES 1
to 10,

Defendants.

Case No.: 3:18-cv-07004-JD

**BITMAIN, INC.'S RESPONSES
AND OBJECTIONS TO GOR
GEVORKYAN'S SUBPOENA
FOR PRODUCTION OF
DOCUMENTS PURSUANT TO
FED. R. CIV. P. 45**

1 Non-party Bitmain, Inc. hereby objects and responds to the Subpoena to
2 Produce Documents, Information, or Objects (the “Subpoena”) made by Gor
3 Gevorkyan (“Gevorkyan”) in his third-party subpoena on Bitmain, Inc.

4 **PRELIMINARY STATEMENT**

5 1. Bitmain, Inc. has not yet completed its investigation into all the facts
6 underlying or supporting the claims or defenses at issue in this lawsuit. Bitmain,
7 Inc. responds to the requests in accordance with Bitmain, Inc.’s knowledge at this
8 time. Bitmain, Inc. is continuing to search for documents responsive to the requests
9 and reserves the right to supplement, amend, or correct its responses with additional
10 information or documents. To the extent the requests purport to require more,
11 Bitmain, Inc. objects on the ground that (a) the requests seek to compel Bitmain,
12 Inc. to conduct a search beyond the scope of permissible discovery contemplated by
13 the Federal Rules of Civil Procedure and (b) compliance with the requests would
14 impose an undue burden and expense on Bitmain, Inc.

15 2. Bitmain, Inc. has made reasonable efforts to respond to each and every
16 request subject to its objections and how Bitmain, Inc. understands and interprets
17 the request. If Gevorkyan subsequently asserts an interpretation of any request that
18 differs from that of Bitmain, Inc., Bitmain, Inc. reserves the right to supplement its
19 objections and/or responses.

20 3. By responding to the Requests, Bitmain, Inc. does not concede that the
21 documents sought are relevant to the parties’ claims or defenses.

22 4. Bitmain, Inc.’s responses and objections are made without waiving or
23 intending to waive, but, to the contrary, preserving and intending to preserve:

24 (a) all objections to the authenticity, competency, foundation,
25 relevance, materiality, privilege, and admissibility as evidence for any purpose, at
26 any trial or hearing in the above-captioned action or in any related or subsequent
27 action or proceeding, of the documents identified in response to the Requests;
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(b) the right to object on any grounds to the use or introduction into evidence of these responses at any trial or hearing in the above-captioned action or in any related or subsequent action or proceeding;

(c) the right to object on any grounds at any time to any other request; and

(d) the right at any time to revise, amend, supplement, or correct the responses and objections provided herein.

5. Nothing in Bitmain, Inc.'s responses to the Requests should be construed as an admission regarding the truth or accuracy of any statement or characterization in any such request, or the existence of any document, or the relevance or admissibility of any document or portion thereof.

6. Bitmain, Inc.'s responses and objections to the Requests or any part thereof do not constitute a representation that responsive documents exist, but only that responsive documents will be disclosed if they exist, can be discovered with reasonable diligence, and are not otherwise objected to, or protected from disclosure.

GENERAL OBJECTIONS

1. Bitmain, Inc. objects to each and every Request to the extent that it seeks disclosure of information and documents located in China where such disclosure would violate Chinese state secrecy, privacy, and cyber security laws, including the *People's Republic of China's General Rules of Civil Law*, Articles 110 and 111; *Criminal Law*, Article 111; *Tort Liability Law*, Article 2; *Protecting State Secrets Law*, Articles 2, 3, and 9; *Archives Law*, Articles 18 and 25; *Implementing Rules of the PRC Law on Protecting State Secrets*, Articles 5 and 21; *Cyber Security Law*, Article 37; or the PRC's acceptance of and reservations to the *Convention on the Taking of Evidence Abroad in Civil or Commercial Matters 1972* (the "Hague Convention").

1 2. Bitmain, Inc. objects to the Subpoena, including the Instructions and
2 Definitions contained therein, to the extent it seeks documents protected by the
3 attorney-client privilege, attorney work product doctrine, joint defense privilege,
4 common interest privilege or any other applicable privilege or doctrine. To the
5 extent that any document falling within the scope of any applicable privilege or
6 doctrine is inadvertently disclosed in responding to any request, such disclosure is
7 inadvertent and does not constitute a waiver or limitation of the applicable
8 privilege. Any discovery resulting in such disclosure should be returned to
9 Bitmain, Inc. upon demand and without any waiver of any kind.

10 3. Bitmain, Inc. objects to the Subpoena, including the Instructions and
11 Definitions contained therein, as unduly burdensome. Where discovery can be
12 obtained from a party to the action, it is inappropriate to burden a non-party with
13 unnecessary discovery requests. *See, e.g., Soto v. Castlerock Farming & Transp.,*
14 *Inc.*, 282 F.R.D. 492, 505 (E.D. Cal. 2012); *Avago Technologies U.S., Inc. v.*
15 *IPtronics Inc.*, 2015 WL 5460607, *5 (E.D. Pa. 2015); *Rembrandt Patent*
16 *Innovations v. Apple, Inc.*, 2015 WL 4393581, *1-2 (W.D. Tex. 2015); *In re Motion*
17 *to Compel Compliance with Subpoena Direct to Dept. of Veterans Affairs*, 2009
18 WL 1139231, *7-8 (D.D.C. 2009).

19 4. Bitmain, Inc. objects to the Subpoena on the ground that the time
20 specified for production of documents imposes an unreasonable burden. To the
21 extent Bitmain, Inc. may agree to comply with the Subpoena, it will do so at a
22 reasonable time and place in view of the nature and volume of materials sought, the
23 status of party discovery and the motions described above, and the time required for
24 their collection, review, and production.

25 5. Bitmain, Inc. objects to the Subpoena to the extent it seeks to impose
26 on Bitmain, Inc. any obligation different from, inconsistent with, or in addition to,
27 those imposed by the Federal Rules of Civil Procedure, the local rules of the
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1 District Court for the Northern District of California, the Standing Orders of the
2 Honorable James Donato, or any other applicable rules, laws, or orders.

3 6. Bitmain, Inc. objects to the Subpoena, including the Instructions and
4 Definitions contained therein, to the extent it is vague, ambiguous and fails to
5 describe the documents sought with reasonable particularity.

6 7. Bitmain, Inc. objects to the Subpoena, including the Instructions and
7 Definitions contained therein, to the extent it requires the production of documents
8 that would infringe upon its legitimate privacy rights to the full extent such privacy
9 rights are protected by constitution, statutes, contract, court order, or public policy.

10 8. Bitmain, Inc. objects to the Requests to the extent that they seek
11 information, materials, or documents that are confidential or proprietary in nature,
12 or that otherwise constitute protected commercial, strategic, financial, or
13 competitively-sensitive or trade-secret information. To the extent that such relevant
14 and responsive documents exist, Bitmain, Inc. will disclose such documents only
15 upon the execution of, and subject to the conditions contained in, an appropriate
16 protective order. Nothing above is intended to waive, and Bitmain, Inc. expressly
17 reserves, all rights to assert that some documents are so sensitive or irrelevant to
18 Gevorkyan's claim that they should not be disclosed at all.

19 9. Bitmain, Inc. objects to the Subpoena, including the Instructions and
20 Definitions contained therein, to the extent it seeks documents that are not
21 reasonably calculated to lead to the discovery of admissible evidence.

22 10. Bitmain, Inc. objects to the Subpoena, including the Instructions and
23 Definitions contained therein, to the extent it seeks documents that are not in its
24 possession, custody, or control.

25 **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

26 1. Bitmain, Inc. objects to Gevorkyan's "Instructions" to the extent they
27 seek to impose any obligation or burden on Bitmain, Inc. different from,
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1 inconsistent with, or in addition to, those imposed by the Federal Rules of Civil
2 Procedure, the local rules of the District Court for the Northern District of
3 California, the Standing Orders of the Honorable James Donato, or any other
4 applicable rules, laws, or orders.

5 2. Bitmain, Inc. objects to the instruction requiring Bitmain, Inc. to
6 produce documents in the possession, custody, or control of its agents, subsidiaries,
7 and affiliates as overly broad and unduly burdensome. Bitmain, Inc. will produce
8 documents within its own possession, custody, or control, to the extent not
9 protected from disclosure by the attorney-client privilege, the work product
10 doctrine, or any other applicable privilege or protection.

11 3. Bitmain, Inc. objects to the definition of “CLASS PERIOD” to the
12 extent it suggests that a class has been or should be certified in this case. Bitmain,
13 Inc. also objects to this definition insofar as the time period proposed is overly
14 broad and unduly burdensome.

15 4. Bitmain, Inc. objects to the definition of “COMMUNICATION” as
16 overly broad, unduly burdensome, vague, and ambiguous. Bitmain, Inc. will
17 construe “COMMUNICATION” as it is commonly understood in ordinary English.

18 5. Bitmain, Inc. objects to the definition of “DOCUMENT” as overly
19 broad, unduly burdensome, vague, indefinite, ambiguous, and not reasonably
20 calculated to lead to the discovery of admissible evidence. Bitmain, Inc. will
21 construe “DOCUMENT” to have the same meaning as set forth in Fed. R. Civ. P.
22 34(a)(1)(A)—i.e., writings, drawings, graphs, charts, photographs, sound
23 recordings, images, and other data or data compilations—aided by how that term is
24 commonly understood in ordinary English. Bitmain, Inc. further objects to the
25 definition of “DOCUMENT” to the extent that it purports to require Bitmain, Inc.
26 to search for, produce, and identify every iteration of a document where it would be
27 unduly burdensome to do so. Bitmain, Inc. agrees only to conduct a reasonable and
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1 diligent search in good faith to discover and produce relevant and material facts
2 and/or information properly sought by the Interrogatories.

3 6. Bitmain, Inc. objects to the definitions of “BITMAIN,” “YOU,”
4 “YOUR” and “DEFENDANT” as overly broad, unduly burdensome, vague,
5 indefinite, ambiguous, and not relevant to the limited scope of the Court-ordered
6 jurisdictional discovery. Specifically, these definitions encompass, without regard
7 to their connection to the limited scope of the Court-ordered jurisdictional
8 discovery, Bitmain, Inc.’s “past and present parents, subsidiaries, affiliates,
9 predecessors, successors, employees, sister corporations, independent contractors,
10 officers, directors, agents, vendors, accountants, and all other PERSONS or entities
11 acting on its behalf or under its direct or indirect control.” Thus, Gevorkyan’s use
12 of this definition renders any request in which these terms appear overly broad and
13 unduly burdensome and results in requests that seek documents not relevant to the
14 limited scope of jurisdictional discovery, not within Bitmain, Inc.’s knowledge,
15 possession, custody, or control, and protected from disclosure by the attorney-client
16 privilege, the work product doctrine, or any other applicable privilege or protection.
17 Thus, in responding to the Requests, Bitmain, Inc. will construe “BITMAIN,”
18 “YOU,” “YOUR” and “DEFENDANT” to mean only Bitmain, Inc., a non-party to
19 this action.

20 7. Bitmain, Inc. objects to the definition of “WAGE STATEMENT” as
21 overly broad, unduly burdensome, vague, and ambiguous. Bitmain, Inc. will
22 construe this term as it is commonly understood in ordinary English.

23 8. Bitmain, Inc. objects to the definition of “CONCERNING” as overly
24 broad, unduly burdensome, vague, and ambiguous. Bitmain, Inc. will construe this
25 term as it is commonly understood in ordinary English.
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RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1:

Exemplars of all WAGE STATEMENTS of Andy Niu, Peng Li, Sharif Allayarov, and Sherry Xie.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Bitmain, Inc. incorporates by reference each of the above stated general objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request seeks information about wage statements from Andy Niu, Peng Li, Sharif Allayarov, and Sherry Xie, yet nothing in the record suggests Gevorkyan ever was in contact with any of these individuals prior to purchasing the ASIC devices that are the subject of this action. The Ninth Circuit employs the “but-for” test in deciding whether an alleged contact with the forum state meets the nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Gevorkyan was not in contact with Andy Niu, Peng Li, Sharif Allayarov, and Sherry Xie prior to his purchases of ASIC devices that are the subject of this action, then his claims could not have “arisen out of” this alleged contact with the forum state. Bitmain, Inc. further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the reference to “WAGE STATEMENTS” is uncertain, indefinite, and unclear. Bitmain, Inc. further objects to this Request to the extent it implies the existence of facts or circumstances that do not or did not exist. Specifically, this Request incorrectly

1 assumes that Andy Niu, Peng Li, Sharif Allayarov, and Sherry Xie are Bitmain, Inc.
2 employees.

3 Subject to and without waiving the foregoing general and specific objections
4 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
5 documents responsive to this Request.

6 **REQUEST FOR PRODUCTION NO. 2:**

7 Exemplars of all WAGE STATEMENTS of Sales Specialists referred to in
8 “Exhibit 4” attached hereto.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

10 Bitmain, Inc. incorporates by reference each of the above stated general
11 objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the
12 grounds that it is overly broad and seeks information not proportional to the needs
13 of the case to the extent it seeks documents beyond what is necessary to establish
14 whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request
15 seeks information about wage statements from “sales specialists,” yet nothing in
16 the record suggests Gevorkyan ever was in contact with sales specialists prior to
17 purchasing the ASIC devices that are the subject of this action. The Ninth Circuit
18 employs the “but-for” test in deciding whether an alleged contact with the forum
19 state meets the nexus element of the three-pronged specific jurisdiction analysis.
20 *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015)
21 (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with
22 the forum state if, but for those contacts, the claim would not have arisen.”). If
23 Gevorkyan was not in contact with sales specialists prior to his purchases of ASIC
24 devices that are the subject of this action, then his claims could not have “arisen
25 out of” this alleged contact with the forum state. Bitmain, Inc. further objects to
26 this Request to the extent that it is vague and ambiguous in that it does not define
27 certain terms with reasonable particularity. Specifically, the reference to “WAGE
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1 STATEMENTS” is uncertain, indefinite, and unclear. Bitmain, Inc. further objects
 2 to this Request to the extent it implies the existence of facts or circumstances that
 3 do not or did not exist. Specifically, this Request incorrectly assumes that a “Sales
 4 Specialist” referred to in “Exhibit 4” was ever hired, and that if a “Sales Specialist”
 5 were hired, he or she is employed by Bitmain, Inc.

6 Subject to and without waiving the foregoing general and specific objections
 7 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 8 documents responsive to this Request.

9 **REQUEST FOR PRODUCTION NO. 3:**

10 All DOCUMENTS CONCERNING the identity of any entities that created
 11 and/or posted the Sales Specialist job posting on LinkedIn.com referred to in
 12 “Exhibit 4,” attached hereto, and in the LIU DECLARATION.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

14 Bitmain, Inc. incorporates by reference each of the above stated general
 15 objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the
 16 grounds that it is overly broad and seeks information not proportional to the needs
 17 of the case to the extent it seeks documents beyond what is necessary to establish
 18 whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request
 19 seeks information about wage statements from “sales specialists,” yet nothing in
 20 the record suggests Gevorkyan ever was in contact with sales specialists prior to
 21 purchasing the ASIC devices that are the subject of this action. The Ninth Circuit
 22 employs the “but-for” test in deciding whether an alleged contact with the forum
 23 state meets the nexus element of the three-pronged specific jurisdiction analysis.
 24 *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015)
 25 (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with
 26 the forum state if, but for those contacts, the claim would not have arisen.”). If
 27 Gevorkyan was not in contact with sales specialists prior to his purchases of ASIC
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1 devices that are the subject of this action, then his claims could not have “arisen
 2 out of” this alleged contact with the forum state. Bitmain, Inc. further objects to
 3 this Request to the extent that it is vague and ambiguous in that it does not define
 4 certain terms with reasonable particularity. Specifically, the references to
 5 “DOCUMENTS” and “entities” are uncertain, indefinite, and unclear. Bitmain,
 6 Inc. further objects to this Request to the extent it implies the existence of facts or
 7 circumstances that do not or did not exist. Specifically, this Request incorrectly
 8 assumes that Bitmain, Inc. controlled and operated the LinkedIn.com account
 9 referred to in Exhibit 4, and that Bitmain, Inc. created the job posting referred to in
 10 Exhibit 4.

11 Subject to and without waiving the foregoing general and specific objections
 12 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 13 documents responsive to this Request.

14 **REQUEST FOR PRODUCTION NO. 4:**

15 All DOCUMENTS concerning the job responsibilities and workplace
 16 procedures of all Bitmain Sales Specialists referred to in “Exhibit 4,” attached
 17 hereto, and the job responsibilities and workplace procedures of their corresponding
 18 supervisors.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

20 Bitmain, Inc. incorporates by reference each of the above stated general
 21 objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the
 22 grounds that it is overly broad and seeks information not proportional to the needs
 23 of the case to the extent it seeks documents beyond what is necessary to establish
 24 whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request
 25 seeks information about job responsibilities and workplace procedures for “sales
 26 specialists,” yet nothing in the record suggests Gevorkyan ever was in contact with
 27 sales specialists prior to purchasing the ASIC devices that are the subject of this
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1 action. The Ninth Circuit employs the “but-for” test in deciding whether an
 2 alleged contact with the forum state meets the nexus element of the three-pronged
 3 specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at
 4 *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims
 5 ‘arise out of’ contacts with the forum state if, but for those contacts, the claim
 6 would not have arisen.”). If Gevorkyan was not in contact with sales specialists
 7 prior to his purchases of ASIC devices that are the subject of this action, then his
 8 claims could not have “arisen out of” this alleged contact with the forum state.
 9 Bitmain, Inc. further objects to this Request to the extent that it is vague and
 10 ambiguous in that it does not define certain terms with reasonable particularity.
 11 Specifically, the reference to “DOCUMENTS” is uncertain, indefinite, and unclear.
 12 Bitmain, Inc. further objects to this Request to the extent it implies the existence of
 13 facts or circumstances that do not or did not exist. Specifically, this Request
 14 incorrectly assumes that a “Sales Specialist” referred to in “Exhibit 4” was ever
 15 hired, and that if a “Sales Specialist” were hired, he or she is employed by Bitmain,
 16 Inc.

17 Subject to and without waiving the foregoing general and specific objections
 18 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 19 documents responsive to this Request.

20 **REQUEST FOR PRODUCTION NO. 5:**

21 All DOCUMENTS CONCERNING the identity of any entities and persons
 22 that created, maintained, and/or provided content for the YouTube channel referred
 23 to as “Bitmain Technologies Ltd.’s Official YouTube channel” referred to in the
 24 LIU DECLARATION and located at: [https://www.youtube.com/channel](https://www.youtube.com/channel/UCrjWmBeM0ezBsrPiHvUoeag/about)
 25 [/UCrjWmBeM0ezBsrPiHvUoeag/about](https://www.youtube.com/channel/UCrjWmBeM0ezBsrPiHvUoeag/about).
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RESPONSE TO REQUEST FOR PRODUCTION NO. 5:

Bitmain, Inc. incorporates by reference each of the above stated general objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request seeks information about a YouTube channel, yet nothing in the record suggests Gevorkyan ever viewed the YouTube channel prior to purchasing the ASIC devices that are the subject of this action. The Ninth Circuit employs the “but-for” test in deciding whether an alleged contact with the forum state meets the nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Gevorkyan did not view the YouTube channel prior to his purchases of ASIC devices that are the subject of this action, then his claims could not have “arisen out of” this alleged contact with the forum state. Bitmain, Inc. further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the references to “DOCUMENTS,” “entities,” and “persons” are uncertain, indefinite, and unclear; and the terms “entities” and “persons” are undefined. Bitmain, Inc. further objects to this Request to the extent it implies the existence of facts or circumstances that do not or did not exist. Specifically, this Request incorrectly assumes that Bitmain, Inc. created, maintained, and/or provided content for the YouTube channel referred to in the Liu declaration, or possesses information related to the creation and maintenance of the YouTube channel.

1 Subject to and without waiving the foregoing general and specific objections
 2 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 3 documents responsive to this Request.

4 **REQUEST FOR PRODUCTION NO. 6:**

5 All DOCUMENTS CONCERNING the identity of any entities or persons
 6 that created, maintained, and/or provided content for the YouTube channel referred
 7 to as “Bitmain Support YouTube channel” referred to in the LIU DECLARATION
 8 and located at [https://www.youtube.com/channel/UCOzm10_uGrt4BhfuMJb](https://www.youtube.com/channel/UCOzm10_uGrt4BhfuMJbVfMA)
 9 VfMA.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

11 Bitmain, Inc. incorporates by reference each of the above stated general
 12 objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the
 13 grounds that it is overly broad and seeks information not proportional to the needs
 14 of the case to the extent it seeks documents beyond what is necessary to establish
 15 whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request
 16 seeks information about a YouTube channel, yet nothing in the record suggests
 17 Gevorkyan ever viewed the YouTube channel prior to purchasing the ASIC
 18 devices that are the subject of this action. The Ninth Circuit employs the “but-for”
 19 test in deciding whether an alleged contact with the forum state meets the nexus
 20 element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach.*
 21 *Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth
 22 Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for
 23 those contacts, the claim would not have arisen.”). If Gevorkyan did not view the
 24 YouTube channel prior to his purchases of ASIC devices that are the subject of this
 25 action, then his claims could not have “arisen out of” this alleged contact with the
 26 forum state. Bitmain, Inc. further objects to this Request to the extent that it is
 27 vague and ambiguous in that it does not define certain terms with reasonable
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1 particularity. Specifically, the references to “DOCUMENTS,” “entities,” and
 2 “persons” are uncertain, indefinite, and unclear; and the terms “entities” and
 3 “persons” are undefined. Bitmain, Inc. further objects to this Request to the extent
 4 it implies the existence of facts or circumstances that do not or did not exist.
 5 Specifically, this Request incorrectly assumes that Bitmain, Inc. created,
 6 maintained, and/or provided content for the YouTube channel referred to in the Liu
 7 declaration, or possesses information related to the creation and maintenance of the
 8 YouTube channel.

9 Subject to and without waiving the foregoing general and specific objections
 10 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 11 documents responsive to this Request.

12 **REQUEST FOR PRODUCTION NO. 7:**

13 All DOCUMENTS CONCERNING the identity of any entities or persons
 14 that created, have maintained, and/or have provided content for the following
 15 Twitter accounts: “Antminer_Main” and/or “BitmainTech.”

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

17 Bitmain, Inc. incorporates by reference each of the above stated general
 18 objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the
 19 grounds that it is overly broad and seeks information not proportional to the needs
 20 of the case to the extent it seeks documents beyond what is necessary to establish
 21 whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request
 22 seeks information about Twitter accounts, yet nothing in the record suggests
 23 Gevorkyan ever viewed the Twitter accounts prior to purchasing the ASIC devices
 24 that are the subject of this action. The Ninth Circuit employs the “but-for” test in
 25 deciding whether an alleged contact with the forum state meets the nexus element
 26 of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*,
 27 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit
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has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Gevorkyan did not view the Twitter accounts prior to his purchases of ASIC devices that are the subject of this action, then his claims could not have “arisen out of” this alleged contact with the forum state. Bitmain, Inc. further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the references to “DOCUMENTS,” “entities,” and “persons” are uncertain, indefinite, and unclear; and the terms “entities” and “persons” are undefined. Bitmain, Inc. further objects to this Request to the extent it implies the existence of facts or circumstances that do not or did not exist. Specifically, this Request incorrectly assumes that Bitmain, Inc. created, maintained, and/or provided content for the Twitter accounts “Antminer_Main” and/or “BitmainTech,” or possesses information related to the creation and maintenance of these Twitter accounts.

Subject to and without waiving the foregoing general and specific objections and objections to definitions and instructions, Bitmain, Inc. responds that it has no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 8:

All DOCUMENTS CONCERNING the identity of any entities and/or persons that created, maintained, and/or provided content for the following Facebook.com pages: <https://www.facebook.com/Bitmain-542277132559653/>; and/or https://www.facebook.com/pg/Bitmain/about/?ref=page_internal; https://www.facebook.com/pg/Bitmain-technologies-Limited-314165025425279/about/?ref=page_internal;

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

Bitmain, Inc. incorporates by reference each of the above stated general objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the

1 grounds that it is overly broad and seeks information not proportional to the needs
2 of the case to the extent it seeks documents beyond what is necessary to establish
3 whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request
4 seeks information about Facebook.com pages, yet nothing in the record suggests
5 Gevorkyan ever viewed the Facebook.com pages prior to purchasing the ASIC
6 devices that are the subject of this action. The Ninth Circuit employs the “but-for”
7 test in deciding whether an alleged contact with the forum state meets the nexus
8 element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach.*
9 *Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth
10 Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for
11 those contacts, the claim would not have arisen.”). If Gevorkyan did not view the
12 Facebook.com pages prior to his purchases of ASIC devices that are the subject of
13 this action, then his claims could not have “arisen out of” this alleged contact with
14 the forum state. Bitmain, Inc. further objects to this Request to the extent that it is
15 vague and ambiguous in that it does not define certain terms with reasonable
16 particularity. Specifically, the references to “DOCUMENTS,” “entities,” and
17 “persons” are uncertain, indefinite, and unclear; and the terms “entities” and
18 “persons” are undefined. Bitmain, Inc. further objects to this Request to the extent
19 it implies the existence of facts or circumstances that do not or did not exist.
20 Specifically, this Request incorrectly assumes that Bitmain, Inc. was responsible for
21 creating, maintaining, and/or providing content for various Facebook.com
22 webpages, or possesses information related to the creation and maintenance of these
23 Facebook.com webpages.

24 Subject to and without waiving the foregoing general and specific objections
25 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
26 documents responsive to this Request.
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REQUEST FOR PRODUCTION NO. 9:

DOCUMENTS sufficient to identify the volume of sales of Bitmain ASIC devices to purchasers in the State of California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

Bitmain, Inc. incorporates by reference each of the above stated general objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Bitmain, Inc. further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Bitmain, Inc. further objects to this Request on the grounds that it is overly broad and unduly burdensome to the extent it seeks documents and information that are in the possession of other entities, including Bitmain Technologies, Ltd.—the defendant in the action underlying this Subpoena—and are less burdensome and expensive for such persons and entities to produce. Bitmain, Inc. further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the references to “DOCUMENTS,” “volume of sales,” “Bitmain,” and “ASIC devices” are uncertain, indefinite, and unclear; and the terms “volume of sales” and “ASIC devices” are undefined. Bitmain, Inc. further objects to this Request to the extent it implies the existence of facts or circumstances that do not or did not exist.

Subject to and without waiving the foregoing general and specific objections and objections to definitions and instructions, Bitmain, Inc. responds that it has no documents responsive to this Request.

REQUEST FOR PRODUCTION NO. 10:

DOCUMENTS sufficient to identify the gross revenue generated from sales of Bitmain ASIC devices to purchasers in the State of California.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

Bitmain, Inc. incorporates by reference each of the above stated general objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Bitmain, Inc. further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Bitmain, Inc. further objects to this Request on the grounds that it is overly broad and unduly burdensome to the extent it seeks documents and information that are in the possession of other entities, including Bitmain Technologies, Ltd.—the defendant in the action underlying this Subpoena—and are less burdensome and expensive for such persons and entities to produce. Bitmain, Inc. further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the references to “DOCUMENTS,” “volume of sales,” “Bitmain,” and “ASIC devices” are uncertain, indefinite, and unclear; and the terms “volume of sales” and “ASIC devices” are undefined. Bitmain, Inc. further objects to this Request to the extent it implies the existence of facts or circumstances that do not or did not exist. Specifically, this Request incorrectly assumes that Bitmain, Inc. sold ASIC devices to customers in California, or possesses information related to same.

1 Subject to and without waiving the foregoing general and specific objections
 2 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 3 documents responsive to this Request.

4 **REQUEST FOR PRODUCTION NO. 11:**

5 DOCUMENTS sufficient to identify all individuals, and the companies they
 6 work for, with access to the following email accounts during the CLASS PERIOD:
 7 hr.hk@bitmain.com, sales.ncsa@bitmain.com, and webmaster@bitmaintech.com.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

9 Bitmain, Inc. incorporates by reference each of the above stated general
 10 objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the
 11 grounds that it is overly broad and seeks information not proportional to the needs
 12 of the case to the extent it seeks documents beyond what is necessary to establish
 13 whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request
 14 seeks information about email accounts, yet nothing in the record suggests
 15 Gevorkyan ever corresponded with the email accounts prior to (or after)
 16 purchasing the ASIC devices that are the subject of this action. The Ninth Circuit
 17 employs the “but-for” test in deciding whether an alleged contact with the forum
 18 state meets the nexus element of the three-pronged specific jurisdiction analysis.
 19 *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015)
 20 (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with
 21 the forum state if, but for those contacts, the claim would not have arisen.”). If
 22 Gevorkyan did not correspond with the email accounts prior to his purchases of
 23 ASIC devices that are the subject of this action, then his claims could not have
 24 “arisen out of” this alleged contact with the forum state. Bitmain, Inc. further
 25 objects to this Request on the grounds that it is overly broad and unduly
 26 burdensome to the extent it seeks documents and information that are in the
 27 possession of other entities, including Bitmain Technologies, Ltd.—the defendant
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1 in the action underlying this Subpoena—and are less burdensome and expensive
 2 for such persons and entities to produce. Bitmain, Inc. further objects to this
 3 Request to the extent that it is vague and ambiguous in that it does not define
 4 certain terms with reasonable particularity. Specifically, the references to
 5 “DOCUMENTS,” “employed,” and “access” are uncertain, indefinite, and unclear;
 6 and the terms “employed” and “access” are undefined. Bitmain, Inc. further
 7 objects to this Request to the extent it implies the existence of facts or
 8 circumstances that do not or did not exist. Specifically, this Request incorrectly
 9 assumes that Bitmain, Inc. had access to the listed email accounts.

10 Subject to and without waiving the foregoing general and specific objections
 11 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 12 documents responsive to this Request.

13 **REQUEST FOR PRODUCTION NO. 12:**

14 All COMMUNICATIONS between YOU and PLAINTIFF.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

16 Bitmain, Inc. incorporates by reference each of the above stated general
 17 objections as if fully set forth herein. Bitmain, Inc. objects to this Request on the
 18 grounds that it is overly broad and seeks information not proportional to the needs
 19 of the case to the extent it seeks documents beyond what is necessary to establish
 20 whether jurisdiction exists over Bitmain Hong Kong. Bitmain, Inc. further objects
 21 to this Request to the extent that it is vague and ambiguous in that it does not
 22 define certain terms with reasonable particularity. Specifically, the references to
 23 “COMMUNICATIONS” and “YOU” are uncertain, indefinite, and unclear.
 24 Bitmain, Inc. further objects to this Request to the extent it implies the existence of
 25 facts or circumstances that do not or did not exist. Specifically, this Request
 26 incorrectly assumes that Bitmain, Inc. had any communications with Gevorkyan.
 27 Bitmain, Inc. further objects to this Request on the grounds that it is over broad and
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1 unduly burdensome to the extent it seeks documents already in the possession,
2 custody, or control of Gevorkyan.

3 Subject to and without waiving the foregoing general and specific objections
4 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
5 documents responsive to this Request.

6 **REQUEST FOR PRODUCTION NO. 13:**

7 All DOCUMENTS CONCERNING PLAINTIFF'S purchases of any ASIC
8 devices from YOU, including but not limited to all purchase invoices and shipping
9 invoices.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

11 Bitmain, Inc. incorporates by reference each of the above stated general
12 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
13 extent it seeks documents containing information protected by the attorney-client
14 privilege, the work product doctrine, and/or any other applicable privilege.
15 Bitmain, Inc. further objects to this Request on the grounds that it is overly broad
16 and seeks information not proportional to the needs of the case to the extent it
17 seeks documents beyond what is necessary to establish whether jurisdiction exists
18 over Bitmain Hong Kong. Bitmain, Inc. further objects to this Request on the
19 grounds that it is overly broad and unduly burdensome to the extent it seeks
20 documents and information that are in the possession of other entities, including
21 Bitmain Technologies, Ltd.—the defendant in the action underlying this
22 Subpoena—and are less burdensome and expensive for such persons and entities to
23 produce. Bitmain, Inc. further objects to this Request to the extent that it is vague
24 and ambiguous in that it does not define certain terms with reasonable
25 particularity. Specifically, the references to “DOCUMENTS,” “ASIC devices,”
26 and “YOU” are uncertain, indefinite, and unclear; and the term “ASIC devices” is
27 undefined. Bitmain, Inc. further objects to this Request to the extent it implies the
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1 existence of facts or circumstances that do not or did not exist. Specifically, this
 2 Request incorrectly assumes that Gevorkyan purchased any ASIC devices from
 3 Bitmain, Inc. Bitmain, Inc. further objects to this Request on the grounds that it is
 4 over broad and unduly burdensome to the extent it seeks documents already in the
 5 possession, custody, or control of Gevorkyan.

6 Subject to and without waiving the foregoing general and specific objections
 7 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 8 documents responsive to this Request.

9 **REQUEST FOR PRODUCTION NO. 14:**

10 All DOCUMENTS CONCERNING YOUR lease or ownership of any real
 11 property in the State of California, including but not limited to all lease and/or
 12 purchase agreements for the property located at 300 Park Ave, STE 300, San Jose,
 13 CA 95110, and the property located at 4231 Business Center Drive Suite 8,
 14 Fremont, CA 94538.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

16 Bitmain, Inc. incorporates by reference each of the above stated general
 17 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
 18 extent it seeks documents containing information protected by the attorney-client
 19 privilege, the work product doctrine, and/or any other applicable privilege.
 20 Bitmain, Inc. further objects to this Request on the grounds that it is overly broad
 21 and seeks information not proportional to the needs of the case to the extent it
 22 seeks documents beyond what is necessary to establish whether jurisdiction exists
 23 over Bitmain Hong Kong. Specifically, this Request seeks information about
 24 properties located at 300 Park Ave, STE 300, San Jose, CA 95110, and at 4231
 25 Business Center Drive Suite 8, Fremont, CA 94538, yet nothing in the record
 26 suggests Gevorkyan ever visited or was otherwise connected with those properties
 27 prior to purchasing the ASIC devices that are the subject of this action. The Ninth
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1 Circuit employs the “but-for” test in deciding whether an alleged contact with the
2 forum state meets the nexus element of the three-pronged specific jurisdiction
3 analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6,
4 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts
5 with the forum state if, but for those contacts, the claim would not have arisen.”).
6 If Gevorkyan did not correspond with the email accounts prior to his purchases of
7 ASIC devices that are the subject of this action, then his claims could not have
8 “arisen out of” this alleged contact with the forum state. Accordingly, Bitmain,
9 Inc. will not produce documents responsive to this Request unless and until
10 Gevorkyan produces evidence sufficient to demonstrate that his claims arise from
11 the properties located at 300 Park Ave, STE 300, San Jose, CA 95110, and at 4231
12 Business Center Drive Suite 8, Fremont, CA 94538, and thus that information
13 about these properties is necessary to establish whether jurisdiction exists over
14 Bitmain Hong Kong. Bitmain, Inc. further objects to this Request to the extent that
15 it is vague and ambiguous in that it does not define certain terms with reasonable
16 particularity. Specifically, the references to “DOCUMENTS” and “YOUR” are
17 uncertain, indefinite, and unclear. Bitmain, Inc. further objects to this Request to
18 the extent it implies the existence of facts or circumstances that do not or did not
19 exist.

20 Subject to and without waiving the foregoing general and specific objections
21 and objections to definitions and instructions, Bitmain, Inc. is willing to meet and
22 confer with Gevorkyan on how documents responsive to this request would
23 establish jurisdiction and, if appropriate, what scope and form the production of
24 responsive documents or information should take.

REQUEST FOR PRODUCTION NO. 15:

All DOCUMENTS CONCERNING the identity of any entities or persons that created, maintained, and/or provided content for the following websites: bitmain.com, blog.bitmain.com and/or bitmaintech.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

Bitmain, Inc. incorporates by reference each of the above stated general objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Bitmain, Inc. further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong. Specifically, this Request seeks information about the websites blog.bitmain.com and bitmaintech.com, yet nothing in the record suggests Gevorkyan ever visited these websites prior to or after purchasing the ASIC devices that are the subject of this action. The Ninth Circuit employs the “but-for” test in deciding whether an alleged contact with the forum state meets the nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb. Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but for those contacts, the claim would not have arisen.”). If Gevorkyan did not visit the websites blog.bitmain.com and bitmaintech.com prior to or after his purchases of ASIC devices that are the subject of this action, then his claims could not have “arisen out of” this alleged contact with the forum state. Bitmain, Inc. further objects to this Request on the grounds that it is overly broad and unduly burdensome to the extent it seeks documents and information that are in the possession of other entities, including Bitmain Technologies, Ltd.—the defendant

1 in the action underlying this Subpoena—and are less burdensome and expensive
 2 for such persons and entities to produce. Bitmain, Inc. further objects to this
 3 Request to the extent that it is vague and ambiguous in that it does not define
 4 certain terms with reasonable particularity. Specifically, the references to
 5 “DOCUMENTS,” “entities,” and “persons” are uncertain, indefinite, and unclear;
 6 and the terms “entities” and “persons” are undefined. Bitmain, Inc. further objects
 7 to this Request to the extent it implies the existence of facts or circumstances that
 8 do not or did not exist. Specifically, this Request incorrectly assumes that Bitmain,
 9 Inc. created, maintained, and/or provided content for the listed websites.

10 Subject to and without waiving the foregoing general and specific objections
 11 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
 12 documents responsive to this Request.

13 **REQUEST FOR PRODUCTION NO. 16:**

14 All executed contracts for vendors or event space for the California Crypto
 15 Mining Forum held on August 31, 2019 in San Jose, California.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

17 Bitmain, Inc. incorporates by reference each of the above stated general
 18 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
 19 extent it seeks documents containing information protected by the attorney-client
 20 privilege, the work product doctrine, and/or any other applicable privilege.
 21 Bitmain, Inc. further objects to this Request on the grounds that it is overly broad
 22 and seeks information not proportional to the needs of the case to the extent it
 23 seeks documents beyond what is necessary to establish whether jurisdiction exists
 24 over Bitmain Hong Kong. Specifically, this Request seeks information about the
 25 California Crypto Mining Forum, yet nothing in the record suggests Gevorkyan
 26 purchased any ASIC devices that are the subject of this action after the California
 27 Crypto Mining Forum held on August 31, 2019. The Ninth Circuit employs the
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1 “but-for” test in deciding whether an alleged contact with the forum state meets the
2 nexus element of the three-pronged specific jurisdiction analysis. *Erickson v. Neb.*
3 *Mach. Co.*, 2015 WL 4089849, at *4 (N.D. Cal. July 6, 2015) (Donato, J.) (“The
4 Ninth Circuit has held that claims ‘arise out of’ contacts with the forum state if, but
5 for those contacts, the claim would not have arisen.”). If Gevorkyan did not
6 purchase any ASIC devices that are the subject of this action after the California
7 Crypto Mining Forum held on August 31, 2019, then his claims could not have
8 “arisen out of” this alleged contact with the forum state. *Anaya v. Machines de*
9 *Triage et Broyage*, 2019 WL 1083783, at *5 (N.D. Cal. Mar. 7, 2019)
10 (disregarding conduct after the alleged event giving rise to underlying dispute and
11 granting motion to dismiss for lack of personal jurisdiction). Bitmain, Inc. further
12 objects to this Request on the grounds that it is overly broad and unduly
13 burdensome to the extent it seeks documents and information that are in the
14 possession of other entities and are less burdensome and expensive for such
15 persons and entities to produce. Bitmain, Inc. further objects to this Request to the
16 extent that it is vague and ambiguous in that it does not define certain terms with
17 reasonable particularity. Specifically, the references to “vendors” and “event
18 space” are undefined, uncertain, indefinite, and unclear. Bitmain, Inc. further
19 objects to this Request to the extent it implies the existence of facts or
20 circumstances that do not or did not exist. Further, this Request incorrectly
21 assumes that Bitmain, Inc. executed contracts for vendors or event space for the
22 California Crypto Mining Forum held on August 31, 2019 in San Jose, California.

23 Subject to and without waiving the foregoing general and specific objections
24 and objections to definitions and instructions, Bitmain, Inc. responds that it has no
25 documents responsive to this Request.
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REQUEST FOR PRODUCTION NO. 17:

All DOCUMENTS CONCERNING the nature of YOUR relationship to the entity referenced in the LUI DECLARATION named “Beijing Bitmain Technology Co., Ltd.”

RESPONSE TO REQUEST FOR PRODUCTION NO. 17:

Bitmain, Inc. incorporates by reference each of the above stated general objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the extent it seeks documents containing information protected by the attorney-client privilege, the work product doctrine, and/or any other applicable privilege. Bitmain, Inc. further objects to this Request on the grounds that it is overly broad and seeks information not proportional to the needs of the case to the extent it seeks documents beyond what is necessary to establish whether jurisdiction exists over Bitmain Hong Kong and to demonstrate whether an alter ego relationship exists between Bitmain, Inc. and Beijing Bitmain Technology Co., Ltd. for specific jurisdiction purposes. Bitmain, Inc. further objects to this Request to the extent that it is vague and ambiguous in that it does not define certain terms with reasonable particularity. Specifically, the references to “DOCUMENTS” and “relationship” are uncertain, indefinite, and unclear; and the term “relationship” is undefined. Also, the term “YOUR,” as defined, includes Beijing Bitmain Technology Co., Ltd., thus to the extent the Request seeks documents concerning the relationship between Beijing Bitmain Technology Co., Ltd. and itself, it is uncertain, indefinite, and unclear.

Subject to and without waiving the foregoing general and specific objections and objections to definitions and instructions, Bitmain, Inc. responds that, to the extent they exist and are in Bitmain, Inc.’s possession, custody, or control, Bitmain, Inc. will produce documents that are sufficient to demonstrate the

1 organizational relationship between Bitmain, Inc. and Beijing Bitmain Technology
2 Co., Ltd.

3 **REQUEST FOR PRODUCTION NO. 18:**

4 All DOCUMENTS CONCERNING the nature of YOUR relationship to the
5 entity referenced in the LUI DECLARATION named “Bitmain Technologies, Ltd.”

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

7 Bitmain, Inc. incorporates by reference each of the above stated general
8 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
9 extent it seeks documents containing information protected by the attorney-client
10 privilege, the work product doctrine, and/or any other applicable privilege.
11 Bitmain, Inc. further objects to this Request on the grounds that it is overly broad
12 and seeks information not proportional to the needs of the case to the extent it
13 seeks documents beyond what is necessary to establish whether jurisdiction exists
14 over Bitmain Hong Kong and to demonstrate whether an alter ego relationship
15 exists between Bitmain, Inc. and Bitmain Technologies, Ltd. for specific
16 jurisdiction purposes. Bitmain, Inc. further objects to this Request on the grounds
17 that it is overly broad and unduly burdensome to the extent it seeks documents and
18 information that are in the possession of other entities, including Bitmain
19 Technologies, Ltd.—the defendant in the action underlying this Subpoena—and
20 are less burdensome and expensive for such persons and entities to produce.
21 Bitmain, Inc. further objects to this Request to the extent that it is vague and
22 ambiguous in that it does not define certain terms with reasonable particularity.
23 Specifically, the references to “DOCUMENTS” and “relationship” are uncertain,
24 indefinite, and unclear; and the term “relationship” is undefined. Also, the term
25 “YOUR,” as defined, includes Bitmain Technologies, Ltd., thus to the extent the
26 Request seeks documents concerning the relationship between Bitmain
27 Technologies, Ltd. and itself, it is uncertain, indefinite, and unclear.
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1 Subject to and without waiving the foregoing general and specific objections
 2 and objections to definitions and instructions, Bitmain, Inc. responds that, to the
 3 extent they exist and are in Bitmain, Inc.'s possession, custody, or control,
 4 Bitmain, Inc. will produce documents that are sufficient to demonstrate the
 5 organizational relationship between Bitmain, Inc. and Bitmain Technologies, Ltd.

6 **REQUEST FOR PRODUCTION NO. 19:**

7 All DOCUMENTS CONCERNING the nature of YOUR relationship to the
 8 entity referenced in the LUI DECLARATION named "Shenzen [sic] Century
 9 Cloud Core Technology Co., Ltd."

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

11 Bitmain, Inc. incorporates by reference each of the above stated general
 12 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
 13 extent it seeks documents containing information protected by the attorney-client
 14 privilege, the work product doctrine, and/or any other applicable privilege.
 15 Bitmain, Inc. further objects to this Request on the grounds that it is overly broad
 16 and seeks information not proportional to the needs of the case to the extent it
 17 seeks documents beyond what is necessary to establish whether jurisdiction exists
 18 over Bitmain Hong Kong and to demonstrate whether an alter ego relationship
 19 exists between Bitmain, Inc. and Shenzhen Century Cloud Core Technology Co.,
 20 Ltd. for specific jurisdiction purposes. Bitmain, Inc. further objects to this Request
 21 to the extent that it is vague and ambiguous in that it does not define certain terms
 22 with reasonable particularity. Specifically, the references to "DOCUMENTS" and
 23 "relationship" are uncertain, indefinite, and unclear; and the term "relationship" is
 24 undefined. Also, the term "YOUR," as defined, includes Shenzhen Century Cloud
 25 Core Technology Co., Ltd., thus to the extent the Request seeks documents
 26 concerning the relationship between Shenzhen Century Cloud Core Technology
 27 Co., Ltd. and itself, it is uncertain, indefinite, and unclear.

1 Subject to and without waiving the foregoing general and specific objections
 2 and objections to definitions and instructions, Bitmain, Inc. responds that, to the
 3 extent they exist and are in Bitmain, Inc.'s possession, custody, or control,
 4 Bitmain, Inc. will produce documents that are sufficient to demonstrate the
 5 organizational relationship between Bitmain, Inc. and Shenzhen Century Cloud
 6 Core Technology Co., Ltd.

7 **REQUEST FOR PRODUCTION NO. 20:**

8 All DOCUMENTS CONCERNING YOUR corporate structure, including all
 9 members of YOUR Board of Directors, YOUR top ten executives, and the
 10 members of the Boards of Directors and top ten executives of "Beijing Bitmain
 11 Technology Co., Ltd.," and "Bitmain Technologies, Ltd."

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

13 Bitmain, Inc. incorporates by reference each of the above stated general
 14 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
 15 extent it seeks documents containing information protected by the attorney-client
 16 privilege, the work product doctrine, and/or any other applicable privilege.
 17 Bitmain, Inc. further objects to this Request on the grounds that it is overly broad
 18 and seeks information not proportional to the needs of the case to the extent it
 19 seeks documents beyond what is necessary to establish whether jurisdiction exists
 20 over Bitmain Hong Kong. Bitmain, Inc. further objects to this Request on the
 21 grounds that it is overly broad and unduly burdensome to the extent it seeks
 22 documents and information that are in the possession of other entities, including
 23 Bitmain Technologies, Ltd.—the defendant in the action underlying this
 24 Subpoena—and are less burdensome and expensive for such persons and entities to
 25 produce. Bitmain, Inc. further objects to this Request to the extent that it is vague
 26 and ambiguous in that it does not define certain terms with reasonable
 27 particularity. Specifically, the references to "DOCUMENTS," "corporate
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1 structure,” and “top ten executives” are uncertain, indefinite, and unclear; and the
 2 terms “corporate structure” and “top ten executives” are undefined.

3 Subject to and without waiving the foregoing general and specific objections
 4 and objections to definitions and instructions, Bitmain, Inc. responds that, to the
 5 extent they exist and are in Bitmain, Inc.’s possession, custody, or control,
 6 Bitmain, Inc. will produce documents responsive to this Request that are sufficient
 7 to show Bitmain, Inc.’s board of directors and executives.

8 **REQUEST FOR PRODUCTION NO. 21:**

9 All DOCUMENTS, not otherwise requested or produced, that establish the
 10 relationship between YOU and Beijing Bitmain Technology Co., Ltd.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

12 Bitmain, Inc. incorporates by reference each of the above stated general
 13 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
 14 extent it seeks documents containing information protected by the attorney-client
 15 privilege, the work product doctrine, and/or any other applicable privilege.
 16 Bitmain, Inc. further objects to this Request to the extent it is duplicative of
 17 Request No. 17 above. Bitmain, Inc. further objects to this Request on the grounds
 18 that it is overly broad and seeks information not proportional to the needs of the
 19 case to the extent it seeks documents beyond what is necessary to establish
 20 whether jurisdiction exists over Bitmain Hong Kong and to demonstrate whether
 21 an alter ego relationship exists between Bitmain, Inc. and Beijing Bitmain
 22 Technology Co., Ltd. for specific jurisdiction purposes. Bitmain, Inc. further
 23 objects to this Request to the extent that it is vague and ambiguous in that it does
 24 not define certain terms with reasonable particularity. Specifically, the references
 25 to “DOCUMENTS” and “relationship” are uncertain, indefinite, and unclear; and
 26 the term “relationship” is undefined. Also, the term “YOU,” as defined, includes
 27 Beijing Bitmain Technology Co., Ltd., thus to the extent the Request seeks
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1 documents concerning the relationship between Beijing Bitmain Technology Co.,
2 Ltd. and itself, it is uncertain, indefinite, and unclear.

3 Subject to and without waiving the foregoing general and specific objections
4 and objections to definitions and instructions, Bitmain, Inc. responds that, to the
5 extent they exist and are in Bitmain, Inc.'s possession, custody, or control,
6 Bitmain, Inc. will produce documents that are sufficient to demonstrate the
7 organizational relationship between Bitmain, Inc. and Beijing Bitmain Technology
8 Co., Ltd.

9 **REQUEST FOR PRODUCTION NO. 22:**

10 All DOCUMENTS, not otherwise requested or produced, that establish the
11 relationship between YOU and Bitmain Technologies, Ltd.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

13 Bitmain, Inc. incorporates by reference each of the above stated general
14 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
15 extent it seeks documents containing information protected by the attorney-client
16 privilege, the work product doctrine, and/or any other applicable privilege.
17 Bitmain, Inc. further objects to this Request to the extent it is duplicative of
18 Request No. 18 above. Bitmain, Inc. further objects to this Request on the grounds
19 that it is overly broad and seeks information not proportional to the needs of the
20 case to the extent it seeks documents beyond what is necessary to establish
21 whether jurisdiction exists over Bitmain Hong Kong and to demonstrate whether
22 an alter ego relationship exists between Bitmain, Inc. and Bitmain Technologies,
23 Ltd. for specific jurisdiction purposes. Bitmain, Inc. further objects to this Request
24 to the extent that it is vague and ambiguous in that it does not define certain terms
25 with reasonable particularity. Specifically, the references to "DOCUMENTS" and
26 "relationship" are uncertain, indefinite, and unclear; and the term "relationship" is
27 undefined. Also, the term "YOU," as defined, includes Bitmain Technologies,
28

1 Ltd., thus to the extent the Request seeks documents concerning the relationship
 2 between Bitmain Technologies, Ltd. and itself, it is uncertain, indefinite, and
 3 unclear.

4 Subject to and without waiving the foregoing general and specific objections
 5 and objections to definitions and instructions, Bitmain, Inc. responds that, to the
 6 extent they exist and are in Bitmain, Inc.'s possession, custody, or control,
 7 Bitmain, Inc. will produce documents that are sufficient to demonstrate the
 8 organizational relationship between Bitmain, Inc. and Bitmain Technologies, Ltd.

9 **REQUEST FOR PRODUCTION NO. 23:**

10 All DOCUMENTS, not otherwise requested or produced, that establish the
 11 relationship between YOU and Shenzen [sic] Century Cloud Core Technology Co.,
 12 Ltd.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

14 Bitmain, Inc. incorporates by reference each of the above stated general
 15 objections as if fully set forth herein. Bitmain, Inc. objects to this Request to the
 16 extent it seeks documents containing information protected by the attorney-client
 17 privilege, the work product doctrine, and/or any other applicable privilege.
 18 Bitmain, Inc. further objects to this Request to the extent it is duplicative of
 19 Request No. 19 above. Bitmain, Inc. further objects to this Request on the grounds
 20 that it is overly broad and seeks information not proportional to the needs of the
 21 case to the extent it seeks documents beyond what is necessary to establish
 22 whether jurisdiction exists over Bitmain Hong Kong and to demonstrate whether
 23 an alter ego relationship exists between Bitmain, Inc. and Shenzhen Century Cloud
 24 Core Technology Co., Ltd. for specific jurisdiction purposes. Bitmain, Inc. further
 25 objects to this Request to the extent that it is vague and ambiguous in that it does
 26 not define certain terms with reasonable particularity. Specifically, the references
 27 to "DOCUMENTS" and "relationship" are uncertain, indefinite, and unclear; and
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1 the term “relationship” is undefined. Also, the term “YOU,” as defined, includes
 2 Shenzhen Century Cloud Core Technology Co., Ltd., thus to the extent the Request
 3 seeks documents concerning the relationship between Shenzhen Century Cloud
 4 Core Technology Co., Ltd. and itself, it is uncertain, indefinite, and unclear.

5 Subject to and without waiving the foregoing general and specific objections
 6 and objections to definitions and instructions, Bitmain, Inc. responds that, to the
 7 extent they exist and are in Bitmain, Inc.’s possession, custody, or control,
 8 Bitmain, Inc. will produce documents that are sufficient to demonstrate of the
 9 organizational relationship between Bitmain, Inc. and Shenzhen Century Cloud
 10 Core Technology Co., Ltd.

11 **REQUEST FOR PRODUCTION NO. 24:**

12 All DOCUMENTS, not otherwise requested or produced, that evidence, refer
 13 to or relate to any connection between Beijing Bitmain Technology Co., Ltd., and
 14 the State of California, on the one hand, and Bitmain Technologies, Ltd., and the
 15 State of California, on the other hand.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

17 Bitmain, Inc. incorporates by reference each of the above stated general
 18 objections as if fully set forth herein. Bitmain, Inc. further objects to this Request
 19 to the extent it seeks documents containing information protected by the attorney-
 20 client privilege, the work product doctrine, and/or any other applicable privilege.
 21 Specifically, this Request calls for a legal conclusion and privileged attorney work
 22 product by seeking information that would require Bitmain, Inc. and its counsel to
 23 conduct legal analysis to determine whether any connections between either Beijing
 24 Bitmain Technology Co., Ltd. or Bitmain Technologies, Ltd., and the State of
 25 California and California—if they existed—were relevant to this action.
 26 Accordingly, Bitmain, Inc. will not provide documents responsive to this Request.
 27 Bitmain, Inc. further objects to this Request on the grounds that it is overly broad
 28

1 and seeks information not proportional to the needs of the case to the extent it
2 seeks documents beyond what is necessary to establish whether jurisdiction exists
3 over Bitmain Hong Kong. Bitmain, Inc. further objects to this Request on the
4 grounds that it is overly broad and unduly burdensome to the extent it seeks
5 documents and information that are in the possession of other entities, including
6 Bitmain Technologies, Ltd.—the defendant in the action underlying this
7 Subpoena—and are less burdensome and expensive for such persons and entities to
8 produce. Bitmain, Inc. further objects to this Request to the extent that it is vague
9 and ambiguous in that it does not define certain terms with reasonable
10 particularity. Specifically, the references to “DOCUMENTS” and “connection”
11 are uncertain, indefinite, and unclear; and the term “connection” is undefined.

12 Dated: February 18, 2020

13 O'MELVENY & MYERS LLP

14
15 By: 
16

17 Attorneys for Non-Party Bitmain, Inc.
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CERTIFICATION OF SERVICE

I certify that on February 18, 2020, I caused to be served the within document titled Bitmain Inc.'s Responses and Objections to Gor Gevorkyan's Subpoena for Production of Documents Pursuant to Fed. R. Civ. P. 45 by mailing copies of same via U.S. mail to the individuals listed below in the service list.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 18, 2020, at Los Angeles, California.

/s/ William K. Pao

SERVICE LIST

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